

Appl. No.: 10/749,652
Amdt. dated 10/30/2006
Reply to Office Action of June 29, 2006

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 4, 5, and 6. The attached replacement sheets, which include Figs. 4, 5, and 6, replace the original sheets that include Figs. 4, 5, and 6. In Figures 4 and 5, the reference numbers have been corrected to be consistent with the specification. In Figure 6, previously omitted reference numbers have been added consistent with the specification.

Attachment: Replacement Sheets 4/10 (FIG. 4), 5/10 (FIG. 5), and 6/10 (FIG. 6)

REMARKS/ARGUMENTS

In the Office Action dated June 29, 2006, Claims 1-65 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0021591 to Grosvenor et al. (“Grosvenor”). The Official Action further rejected Claims 1, 2, 7-36, 42-46, 51, and 61 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Official Action also rejected Claims 7-9, 28, 37, 39, 44, and 62 under 35 U.S.C. § 112, second paragraph, as being indefinite. In response to the Office Action, Applicant has amended the claims and, as explained below, respectfully submits that all of the claims are patentably distinct from the cited reference and meet the requirements of §§ 101 and 112. As such, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

I. Claim Rejections under 35 U.S.C. § 112, Second Paragraph.

Claims 12, 44, 61, and 62 have been amended to correct the informalities pointed out by the Examiner in the Office Action. In particular, with regard to Claim 61, the claim has been amended to correct a typographical error and now depends from Claim 60 instead of Claim 51. Claims 7-9, 28, 37, 39, 44, and 62 were rejected under 35 U.S.C. § 112, second paragraph, for reciting elements that lack antecedent basis. Claim 7-9, 28, 37, 39, and 62 have been amended to correct typographical errors and now depend from claims that provide antecedent basis for all of the elements recited by the rejected claims. Claim 44 has been amended to recite “media file metadata information” and Claim 34, from which Claim 44 depends, provides antecedent basis for such a recitation. As such, Applicant submits that all of the pending claims of the present application now comply with 35 U.S.C. § 112, second paragraph.

II. Claim Rejections under 35 U.S.C. § 101.

The Office Action rejected many of the claims under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office Action submitted that many of the original claims were directed to non-statutory data structures, in contrast to the statutory subject matter of computer-readable medium encoded with a data structure. As such, Claims 1-13 and 34-64 have been amended so that they are in accordance with computer program product language that is

approved by the Patent Office. *See* MPEP § 2106. Although Claims 14-33 were also rejected under 35 U.S.C. § 101 for the reasons described above, Applicants submit that Claims 14-33 are directed to methods of communicating information and do not recite non-statutory data structures. Accordingly, Applicants submit that all of the claims of the present application now satisfy the requirements of § 101 and overcome the rejections thereunder.

III. Claim Rejections under 35 U.S.C. § 102.

Amended independent Claim 1 is directed to a digital device having computer-readable program instructions that provide for the bonding of the digital device to one or more devices in the environment. The computer-readable program instructions further provide for the recording of sharing information received from the one or more bonded devices and information related to the users of the one or more bonded devices, the sharing information providing information about how to share collected media files with the bonded device. The Grosvenor patent describes that a first camera creates an Event ID and sets up a data repository for the Event ID. The first camera can then send synchronization signals to other cameras. The synchronization signals provide the address of the data repository to the other cameras so that the photos that the other users wish to share may be automatically sent to the data repository. Grosvenor does not describe a device that is configured to bond to one or more devices and receive sharing information from a bonded device, the sharing information including information about how to share media files with the bonded device, as recited by independent Claim 1. Although the first camera in Grosvenor can synchronize with other second cameras, the other second cameras do not provide sharing information back to the first camera, wherein the sharing information comprises information about how to share media files with the second camera. Therefore, Applicants submit that the rejection of independent Claim 1, as well as the claims that depend therefrom, has been overcome and that these claims are now in condition for immediate allowance.

Independent Claim 14 is directed to a method for bonding devices and communicating media file transfer parameters between the devices. Amongst other recitations, Claim 14 recites a master device monitoring an area of interest for the presence of potential bondable devices and

receiving a presence signal from a potential bondable device. Claim 14 further recites determining bond capability of the potential bondable device, approving the potential bondable device as a bonded device, and communicating media file transfer parameters from the master device to the bonded device. For example, Figures 7A-7C illustrate embodiments of the claimed invention. Grosvenor, however, does not teach or suggest bonding the master device to another device by the recited steps of monitoring, receiving, determining, and approving.

In this regard, the Office Action cites paragraphs 0055 and 0056 of Grosvenor as teaching these recitations of Claim 14. The cited paragraphs of Grosvenor describe the first camera or a third party initiating synchronization with other compatible cameras. Paragraph 0059 of Grosvenor and Grosvenor generally describes how the synchronization of the first camera and the second camera consists of the first camera sending a signal directly to the other known compatible cameras at an event, the signal including such information as the Event ID, the address of the database repository, etc. Grosvenor does not disclose a method of bonding the camera where the first camera monitors an area and receives a presence signal from another camera, and where the bonding capability of the other camera is determined and approved. Since Grosvenor does not teach or suggest each and every element of independent Claim 14, Applicants submit that the rejection of Claim 14, as well as the claims that depend therefrom, is traversed.

Amended independent Claim 24 recites a method in which one or more slave devices are bonded to a master device according to predetermined media file transfer parameters communicated to the slave device from the master device. The method further comprises communicating a plurality of media files from the one or more bonded slave devices to the master device having metadata in accordance with media file transfer parameters. In contrast, Grosvenor describes a first camera sending a synchronization code to a second camera, the second camera communicating pictures to a data repository at some remote location based on an address in the synchronization code. Grosvenor does not teach or suggest the slave device communicating media files to the master device in accordance with the media transfer parameters, wherein the master device is the device that communicated the media file transfer parameters to the slave device, as required by Claim 24. Therefore, Applicants submit that the

rejection of Claim 24, as well as the claims that depend therefrom, has been overcome and that these claims are now in condition for immediate allowance.

Amended independent Claim 31 now recites that the master device receives a media file from a bonded remote device, associates the media file with bonded device metadata information, and sends the collection of the media file and metadata information to the bonded remote device or to another remote device. Similarly, amended independent Claim 34 now recites that the slave devices communicate media files and metadata to a common device that then communicates the collection of media files and metadata to various devices. For example, Figures 4 and 5 of the present application illustrate embodiments of the claimed invention recited by Claims 31 and 34. Grosvenor does not describe that a master device receives and compiles the media files and then sends the compilation to the slave devices or to other non-bonded devices, as required by amended Claims 31 and 34 of the present application. As such, Applicants submit that the rejections of Claims 31 and 34, as well as the claims that depend therefrom, have been overcome and that these claims are in condition for immediate allowance.

, Independent Claim 52 is directed to a system for communicating media files and assembling the collection of media files, wherein the system comprises one or more slave devices that bond with a master device and communicate media files to a media file collection device (that may or may not be part of the master device), and wherein the media file collection device is in communication with the master device. Claim 52 has been amended to further recite that the media file collection device is configured to communicate at least a portion of the combined plurality of media files to a device based on sharing information parameters. Grosvenor does not describe compiling a plurality of media files at a device and communicating the compilation of media files to another device based on sharing information parameters, as recited by amended Claim 52. As such, Applicants submit that the rejection of independent Claim 52, as well as the claims that depend therefrom, has been overcome and that these claims are in condition for immediate allowance.

Appl. No.: 10/749,652
Amdt. dated 10/30/2006
Reply to Office Action of June 29, 2006

IV. Conclusion

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Christopher W. McAvoy
Registration No. 57,055

Date: October 30, 2006

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON October 30, 2006.

LEGAL02/30122888v1